

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

The Prevention of Black Marketing and Maintenance of Supplies of Essential Commodities Act, 1980 – Kurnool District – Order of detention made by the Collector and District Magistrate, Kurnool District in respect of Sri Gunta Satyanarayana, S/o. Ayyappa Setty - Representation - Considered and Rejected – Orders- Issued.

GENERAL ADMINISTRATION (LAW AND ORDER.II) DEPARTMENT

G.O.Rt.No. 4317

Dated 22.07.2008.

Read the following:-

1. Order of detention Ref. No. C1/1818/M/2008, dated 20.06.2008 of the Collector & District Magistrate, Kurnool District.
2. G.O. Rt. No. 3791, G.A. (L&O.II) Dept., dated 27.06.2008.
3. From Sri Gunta Satyanarayana, S/o. Ayyappa Setty, representation dated 07.07.2008 received through the Superintendent, Central Prison, Cherlapalli, R.R. District.

O R D E R:

The Collector and District Magistrate, Kurnool District, made an order of detention, vide reference first read above under Section-3(2)(a) read with Section 3(1) of the Prevention of Black Marketing and Maintenance of Supplies of Essential Commodities Act, 1980, in respect of Sri Gunta Satyanarayana @ Satyamaiah @ Narayanapuram Satyam, S/o. Ayyappa Setty, aged about 45 years, R/o. Nandyal, Kurnool District with a view to prevent him from further indulging in a manner prejudicial to the maintenance of supplies of commodities essential to the community. In the G.O. second read above, Government accorded its approval in respect of the order of detention under Sec. 3(2) of the said Act.

2. Sri Gunta Satyanarayana @ Satyamaiah @ Narayanapuram Satyam, S/o. Ayyappa Setty in his representation third read above, has requested the Government to release him after declaring his detention as illegal mainly, among other grounds, that the Prevention of Black Marketing of Maintenance of Supplies of Essential Commodities Act, 1980 deals with the essential commodities. In this case the Essential Commodities shown is Rice. The GOI has deleted the rice from the list of Essential Commodities by virtue of introducing G.S.R. 104(E) dated 15.02.2002 and the Govt. of A.P. issued orders in G.O.Ms.No. 79, dated 29.06.2002. If there is evidence for transposition, possession or sale of Rice, criminal case has to be initiated. Therefore, all the grounds made against him for detention under P.D. Act are not applicable.

3. Government have examined the representation in the light of material placed before them and informed that the A.P. State Public Distribution System (Control) Order, 2001 was made under section 3 of the EC Act, 1955 vide G.O.Ms.No. 16 Food, Civil Supplies and Consumer Affairs (CS-1) Dept., dated 6.4.002 and was published in the Gazette No. 149, dt. 18.07.2005. Since the subsidy rice under PDS is concerned under control order 2001 made U/s. 3 of EC Act, 1955, the rice is deemed to be included in the list of scheduled commodities. Therefore the subsidy rice under PDS is not exempted from the purview of the EC Act 1955, as the version of detenu will certainly cover the rice relating to private persons but not the FFWP rice and PDS rice and as such "Prevention of Black Marketing and Maintenance of Supplies of Essential Commodities Act, 1980" is applicable to this case. As per GSR 104 the opinion of Central Government is that for

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securing the availability of commodities specified in the said order at fair prices throughout the country. By this order any person engaged in the business of purchase, movement, sale, supply, distribution or storage for sale any commodity specified in clause 3 of the said order whether wholesaler or Retailer.

4. The Government came to the conclusion that the representation is devoid of any merit and therefore reject the request of Sri Gunta Satyanarayana @ Satyamaiah @ Narayanapuram Satyam, S/o. Ayyappa Setty, to set aside the order of detention passed by the Collector & District Magistrate, Kurnool.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

P.RAMAKANTH REDDY
CHIEF SECRETARY TO GOVERNMENT

To

Sri Gunta Satyanarayana @ Satyamaiah @ Narayanapuram Satyam, S/o. Ayyappa Setty, through the Superintendent, Central Prison, Cherlapalli, Ranga Reddy District.

Copy to:- The Superintendent, Central Prison, Cherlapalli, R.R. Dist. (He should serve the Order of the detenu immediately under proper acknowledgement and arrange to read over and explain the contents of the same in the language known to the detenu and report compliance to the Government forthwith)

The Collector and District Magistrate, Kurnool.

Sf/sc.

//FORWARDED :: BY ORDER//

SECTION OFFICER (SC)